

## **REMARKS**

### **I. Amendments to the Claims**

Claims 14-22 and 25-35 are pending and under examination. Applicants amend claims 14, 25, and 27. Support for the amendments may be found at, for example, p. 7, lines 6-10, and p. 14, lines 11-15 of the specification.

### **II. Office Action**

Applicants respectfully traverse the following rejection and objection:

- rejection of claims 14, 25, and 27, under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; and
- objection to claims 21-22 and 34-35 as being dependent upon a rejected base claim.

### **III. Response to the Rejection and Objection**

Applicants request reconsideration and withdrawal of the rejection of claims 14, 25, and 27 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Office Action, on pages 2-3, alleges that “[i]ndependent claims 14, 25, and 27, while tied to a machine (speech recognition, neural network), do not produce a tangible, useful result.” Office Action at 2-3. In particular, the Office Action asserts that “the method claim’s closest feature to a processing and output is the part that may elect not to run a neural network” and that “the system is at most making a series of calculations or determinations but does not actually use the values to produce a tangible, useful result....” Office Action at 2-3. Applicants respectfully disagree with these assertions.

However, to advance prosecution, Applicants have amended claim 14 to recite, “evaluate a possibility of skipping at least one run of the neural network,” “optimize the neural network,”

and “providing an optimized neural network by outputting the likelihood or likelihoods corresponding to each frame between said first and second non-consecutive frames to a computer readable medium.” Accordingly, claim 14 is statutory in that it produces a tangible, useful result, and therefore it should be allowable.

Similarly, Applicants have amended claim 25 to recite, “evaluate a possibility of skipping at least one run of the neural network,” “optimize the neural network,” and “a computer readable medium for storing at least one output of the neural network, the at least one output comprising the likelihood or likelihoods corresponding to the frame or frames between said first and second non-consecutive buffered frames.” Accordingly, claim 25 is statutory in that it produces a tangible, useful result, and therefore it should be allowable.

Finally, Applicants have amended claim 27 to recite, “evaluate a possibility of skipping at least one run of the neural network,” “optimize the neural network,” and “providing an optimized neural network by outputting the likelihood or likelihoods corresponding to each frame between said first and second non-consecutive frames to the computer readable medium.” Accordingly, claim 27 is statutory in that it produces a tangible, useful result, and therefore it should be allowable.

Independent claims 14, 25, and 27 are therefore statutory and are also consistent with the August 2009 Interim Examination Instructions for Evaluating Subject Matter Eligibility under 35 U.S.C. § 101 in view of the pending *Bilski* case before the U.S. Supreme Court. Dependent claims 15-20, 26, and 28-33, although not specifically rejected or objected to, should also be allowable at least by virtue of their respective dependence from base claim 14, 25, or 27. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 101 rejection.

Moreover, Applicants request reconsideration and withdrawal of the objection to claims 21, 22, 34, and 35. Claims 21, 22, 34, and 35 respectively depend indirectly from claim 14 or 27. Because the 35 U.S.C. § 101 rejection has been overcome, and the Office Action has indicated that “[c]laims 14, 25, and 27, and their dependent claims contain allowable subject matter” (Office Action at 3) but for the 35 U.S.C. § 101 rejection, the claims should now be in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the objection.

**IV. Conclusion**

Applicants respectfully request reconsideration and withdrawal of the rejection and objection, and the timely allowance of the pending claims.

The Office Action contains a number of statements reflecting characterizations of the pending claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

If there are any remaining issues or misunderstandings, Applicants request the Examiner telephone the undersigned representative to discuss them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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By: 

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